



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
OFFICE OF JUSTICE SERVICES
Washington, DC 20240

IN REPLY REFER TO:

JUN 10 2019

BIA-2019- 01014

MuckRock News
Dept. MR 71884
411A Highland Avenue
Somerville, MA 02144-2516
Response via email of
71894-74037490@requests.muckrock.com

To whom it may concern,

The Bureau of Indian Affairs (BIA), Office of Justice Services (OJS), FOIA office received your Freedom of Information Act (FOIA) request dated April 16, 2019 on May 14, 2019 and assigned a control number BIA-2019-01014. Please cite this number in any future communications with our office regarding your request. You describe the records you seek as:

Basic information on all cases (open and closed) of missing American Indian/Alaska Native persons (including juveniles) within BIA jurisdiction, from 2000 through 2019; this basic information can include but is not limited to: person name, age, DOB, incident date, case closure date, county/jurisdiction in which person was reported missing.

Before we can continue processing this request, we will need clarification on the scope of the records you seek.

Before you respond, please consider that FOIA does not require agencies to conduct research, compile and analyze data, create new records to satisfy a FOIA request, or answer questions about a topic when responding to FOIA requests.

Rather, a FOIA request is a request for an existing record. As records are maintained and/or stored in a number of different ways, the FOIA request must be sufficient in scope so as to enable the employee familiar with the subject area to locate the responsive records(s) with a reasonable amount of effort. (See 43 CFR 2.4(a)).

We take notice that you referenced all cases (open and closed), please be advised that Exemption 7A would apply to open cases.

<https://www.justice.gov/sites/default/files/oip/legacy/2014/07/23/exemption7a.pdf>

We are interpreting your request as a request for BIA-OJS to provide the names, ages, DOBs, incident dates, case closure dates, and the county/jurisdiction in which person was reported missing of missing American Indian/Alaska Native persons.

If this is correct, please be advised your request is tantamount to that of written questions and therefore falls outside the scope of the FOIA. Again, the FOIA does not require agencies to answer questions, research and compile data or create new records to satisfy a FOIA request.

Please further be advised that records created for law enforcement purposes are generally subject to the Privacy Act.

<https://www.justice.gov/sites/default/files/oip/legacy/2014/07/23/exemption7c.pdf>

The BIA-OJS has partnered with The National Missing and Unidentified Persons System (NamUs) agency and submits or provides information on Native American/Alaska Native persons who have gone missing from and/or who has ties to BIA/Tribal lands. The NamUs database is accessible to the public and can be found at www.namus.gov.

With respect to your request, the BIA-OJS has no single existing record that provides the particular requested information and researching, extracting and compiling the information for the past 19 years for purposes of creating such records falls outside the scope and purposes of the FOIA.

Before we can determine how to process your request, we will need to you to clarify your request with the considerations we explained above. If we do not hear back from you within 20 days of the date of this letter, we will assume you are no longer interested and will close the file on this request.

Appeal Rights—43 C.F.R. §§ 2.57, .58, .59

You may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal no later than 90 workdays from the date of this letter if you are not issuing an expedited processing denial; or "as soon as possible after this letter" if you are issuing an expedited processing denial]. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words:

"FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe BIA OJS's response is in error. You must also include with your appeal copies of all

correspondence between you and BIA-OJS concerning your FOIA request, including your original FOIA request and BIA-OJS's response. Failure to include with your appeal all correspondence between you and BIA-OJS will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

DOI FOIA/Privacy Act Appeals Office Contact Information

Department of the Interior

Office of the Solicitor

1849 C Street, N.W.

MS-6556 MIB

Washington, DC 20240

Attn: FOIA/Privacy Act Appeals Office

Telephone: (202) 208-5339

Fax: (202) 208-6677

Email: FOIA.Appeals@sol.doi.gov

Conclusion

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. *See* [5 U.S.C. 552\(c\)](#). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services

National Archives and Records Administration

8601 Adelphi Road - OGIS

College Park, MD 20740-6001

E-mail: ogis@nara.gov

Web: <https://ogis.archives.gov>

Telephone: 202-741-5770

Fax: 202-741-5769

Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

If you have any questions about our response to your request, you may contact Cynthia Elia by phone at (651) 851-5431, by email at Cynthia.Elia@bia.gov, or by mail at 2001 Killebrew Drive, Suite 121, Bloomington, MN 55425.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Algin A. Young', with a stylized flourish at the end.

Algin A. Young
Associate Director
Field Operations Directorate
Bureau of Indian Affairs,
Office of Justice Services